

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 3526 of 1997

Between:

M/s. Balaji Plastics Pvt. Ltd., Hyderabad

Represented by its Chairman, P.Narasimha Rao,

S/o. P.Shobanachalam,
R/o. 8-3-319/16, Ellareddy guda,
HYDERABAD.

..... PETITIONER

AND

1. The Union of India, represented by its Secretary,
Law Ministry, New Delhi.

2. The Andhra Bank, represented by its Sanathnagar Branch Manager,
Sanathnagar, Branch, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or a direction or a *Writ of Mandamus* declaring the "Recovery of Debts due to Banks and Financial Institutions Act 51 of 1993" as arbitrary, illegal and unconstitutional and consequently issue further orders declaring that O. A. No. 33 of 1996 on the file of 3rd respondents Tribunal, filed by the 2nd respondent as null and void.

Counsel for the Petitioner: MR.Y.VISWESHWARA RAO

Counsel for the Respondent No.1: MR.V.RAJESHWAR RAO

Counsel for the Respondent No.2: Smt. P. Bala Rani

The Court made the following:

-

ORDER:

-

The writ petition is filed for issue of a writ, order or direction more particularly in the nature of Writ of Mandamus declaring the “Recovery of Debts Due to Banks and Financial Institutions Act 51 of 1993” as arbitrary, illegal and unconstitutional and consequently issue further orders declaring that O.A.No.33 of 1996 on the file of 3rd respondent’s Tribunal, filed by the 2nd respondent as null and void and pass suitable orders.

In the light of the views expressed by the Apex Court in **Union of India and another v. Delhi High Court Bar Association and others**, no further orders are required to be passed in the present writ petition. The writ petition is devoid of merits and accordingly the writ petition shall stand dismissed. No costs.

(P.S.NARAYANA,J)

Date: 26.11.2004

Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Union of India, represented by its Secretary,
Law Ministry, New Delhi.

2. The Andhra Bank, represented by its Sanathnagar Branch Manager,
Sanathnagar, Branch, Hyderabad.
3. The Chairman, Debt Recovery Tribunal, Bangalore
4. Two C.D. copies